

Neveu et al.
Serial No. 09/773,452
Amendment After Final

REMARKS

This Amendment After Final is being submitted in response to the final Office Action mailed September 24, 2004 and pursuant to the Notice of Appeal that was filed January 26, 2005. It is asserted that the amendment places the claims in condition for allowance and patentably distinguishes the claims over the cited art, including the Matsuno reference in combination with the Iwao reference (which was cited for the first time in the September 24 Office Action). Withdrawal of the finality of the Office Action is requested. Applicants request entry of the amendment and further consideration on the merits.

Claims 1, 22, and 43 are amended in this Submission, and comprise the independent claims remaining in this case. No other claims are amended. Claims 15-21, 36-42, and 57-63 were the subject of a previous restriction requirement and were not elected, and consequently, they are indicated in the Claim Listing above as "withdrawn". Thus, Claims 1-14, 22-35, and 43-56 are pending.

A. THE CLAIMED INVENTION

With respect to the exemplary system illustrated in the drawings, a range indication 440 is displayed in association with a first candidate object 420 in response to actuation of an input button 275 on the input device 120, and a visual indication 710 is displayed in association with the first candidate object intersecting at least a portion of the range indicator 440 on the display screen, the visual indication being associated with a first designation input interface comprising a designated button 250 on the input device. The player 415 can initiate an action to reach the first candidate object 420 in a single movement of the player in response to actuation of the designated button 250. The drawings show that a button 250 can be associated with multiple candidate objects 420a, 420b (see Figure 8) and the drawings show that different buttons 250, 255, 260, 265 can be associated with different candidate objects 420a, 420b (see Figure 10).

The novel features particularly recited in the amended claims are (with amended text underlined): (1) the candidate range indicator comprises "a visual

Neveu et al.
Serial No. 09/773,452
Amendment After Final

indication of a candidate range for the initial object encompassing an area of the virtual environment that is sized according to abilities of the initial object to reach the candidate objects in the virtual environment with a single movement, as determined by the information processing system" and (2) the player can initiate an action "to reach the first candidate object in a single movement of the initial object in response to actuation of the first designation input interface and regardless of the orientation of the initial object relative to the first candidate object."

In this way, the invention provides an improved display of attack capabilities, in that the display shows when a player (the initial object 415) can reach a targeted opponent 420 with a single move and can therefore be certain of successfully carrying out an attack. This is mentioned in the specification at Paragraph 0046 and at Paragraph 0057. This is a feature that is made possible by the game unit 100 and is not possible with the more limited technical features of prior art units.

The novel game unit includes an input interface display control, such as the right joystick 275 shown in the drawings, that initiates a range display mode, referred to as "combat mode", which causes the candidate range indicator to be displayed. This is described at Paragraph 0054. The range display permits the player to have knowledge about the range within which one or more targets can be reached in a single move, and independently of orientation of the player relative to the target. This latter feature is described in the specification at Paragraph 0090. This is another novel feature.

B. REJECTION OF CLAIMS

Matsuno was cited for showing all the elements in the claims except that the Examiner acknowledged that Matsuno "fails to teach use of a designated button on the input device for initiating the display of range information" (see Office Action at page 3, last paragraph of Section 2). The Iwao patent was cited for showing "use of a designated button to initiate the display of range information" (Office Action at Page 3, citing to Iwao at col. 10, lines 38-42 and col. 11, lines 48-58) (emphasis added).

Neveu et al.
Serial No. 09/773,452
Amendment After Final

It is submitted that Matsuno is lacking more than just the designated button for which Iwao was cited. It is submitted that Iwao does not make up for the deficiencies of Matsuno and it is submitted that neither Matsuno nor Iwao, taken alone or together, can provide or suggest the teachings of the claimed invention that include indicating a range indicator encompassing an area of the virtual environment that is sized according to abilities of the initial object to reach the candidate objects in the virtual environment with a single movement, as determined by the information processing system and initiating an action to reach the first candidate object in a single movement in response to actuation of the first designation input interface and regardless of orientation of the initial object relative to the first candidate object. Both of these references are discussed further below.

1. The Matsuno Patent

In Matsuno's system, an input device 3 is provided for the system user to provide operating instructions (col. 4, lines 56-59). There is no further detail provided about the input device, except that it can control a display cursor to select menu items (col. 10, lines 2-5).

For Matsuno, the "range area" refers to the range in which an attack may take place, and the "effective area" refers to the area in which an attack will be able to reach, once an attack is launched (col. 6, lines 16-29). Fig. 5 illustrates the range area 91, and Fig. 6 illustrates the effective area 92. During a battle, a user can select that a fight should occur (col. 9, lines 51-63). For a fight, the user can select the use of "Magic" (col. 10, lines 1-39) and then the range area 91 for selected Magic is displayed (col. 10, lines 55-57; Fig. 17). When an enemy character appears within the range area 91, the display of the character is changed, such as by highlighting (col. 11, lines 13-21) and then the effective range 92 is displayed (col. 12, lines 7-15; Fig. 20).

Matsuno, however, says nothing about the claim limitation of "displaying a visual indication in association with a first candidate object in response to the first candidate object intersecting at least a portion of the candidate range indicator on

Neveu et al.
Serial No. 09/773,452
Amendment After Final

the display screen, the visual indication being associated with a first designation input interface comprising a designated button on the input device." In the illustrated system, the visual indication is associated with an object, such as a circle with one object and a triangle with another (see, for example, Figure 10). Matsuno merely relates to changing indicators on a display. That is, Matsuno does not relate to the display-controller interface in connection with associating a visual indication with a designated input device button.

Matsuno also is silent with respect to the other claim limitations in Claims 1, 22, and 43: a range indicator encompassing an area of the virtual environment that is sized according to abilities of the initial object to reach the candidate objects in the virtual environment with a single movement, as determined by the information processing system and initiating an action to reach the first candidate object in a single movement of the initial object in response to actuation of the first designation input interface and regardless of the orientation of the initial object relative to the first candidate object.

2. The Iwao Patent

The Iwao patent was cited for showing "use of a designated button to initiate the display of range information" (Office Action at Page 3, citing to Iwao at col. 10, lines 38-42 and col. 11, lines 48-58) (emphasis added). It is asserted that Iwao does not make up for the shortcomings of Matsuno. It is asserted that the proposed combination of Matsuno and Iwao does not provide a prima facie case of obviousness, because there is no suggestion for combining Matsuno and Iwao, and the proposed combination of Matsuno and Iwao would not provide all the claim limitations.

Iwao describes a control unit 30 with a button 35 to initiate the display of range information. The button 35, however, is not associated with any candidate (target) object in the display. In the recited claims of the present application, as illustrated in the application drawings, there are two indicators: a range indicator 440

Neveu et al.
Serial No. 09/773,452
Amendment After Final

and a visual indication 710 that is associated with a candidate object. Both indicators can be seen in Figures 7, 8, and 10.

3. Lack of Obviousness

(a) No suggestion to combine

Iwao discusses a "method of assisting selection of an action" (Field of the Invention, Title of patent). Matsuno is not concerned with assisting a user selection. Matsuno is merely concerned with changes to a game display in response to character movement (col. 4, l. 56-59). Thus, it is submitted that there is no suggestion to combine Iwao with Matsuno.

(b) Limitations would not be provided

Even if the proposed combination could be carried out, Matsuno and Iwao together would not provide the claimed features. The Iwao patent was cited for showing "use of a designated button to initiate the display of range information." Iwao uses a designated button to prompt the display of range information (col. 6, lines 46-47). Adding a designated button from Iwao to the attack/effective range display system of Matsuno would not provide the claimed features. Iwao's button is not associated with any display objects.

The proposed combination would not provide the claim limitations. In the recited claims of the present application, there are two indicators: a "range indicator" sized according to abilities of the player to reach candidate objects and a "visual indication" that is displayed in association with a candidate object and a corresponding button. The proposed combination of Matsuno and Iwao cannot provide both of these indicators. In addition, the combination of Matsuno and Iwao would not provide the feature of initiating an action to reach the candidate object in a single movement regardless of player orientation relative to the candidate object.

C. FINALITY OF OFFICE ACTION

Because the September 24, 2005 Office Action was the first Office Action since Applicants' Request for Continued Examination (RCE) was filed August 16, 2004, it is submitted that the action should not be designated "Final" (see Section 6

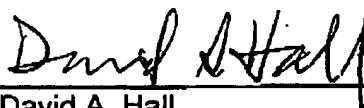
Neveu et al.
Serial No. 09/773,452
Amendment After Final

of the pending Office Action). It is asserted that the claims as amended with the RCE were not "drawn to the same invention," because the claims were amended by the Submission filed with the RCE. In addition, the claims could not have been finally rejected on the grounds and art of record: the Iwao patent that was used to reject the amended claims of the RCE was not cited in the case until after the filing of the RCE. Therefore, it is requested that the finality of the Office Action should be withdrawn and the claim amendments entered.

Thus, with this submission, the amended claims define over the art of record. It is asserted that the claims are in condition for allowance.

Any fees that may be due in connection with the filing of this paper, or during the entire pendency of this application, may be charged to Deposit Account No. 50-1213.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE LLP

By: 
David A. Hall
Registration No. 32,233

Attorney Docket No.: 37090-2002
Address all correspondence to:
David A. Hall
HELLER EHRMAN WHITE & McAULIFFE LLP
4350 La Jolla Village Drive, 7th Floor
San Diego, California 92122-1246
Telephone: (858) 450-8400
Facsimile: (858) 450-8499
EMAIL: dhall@hewm.com

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